

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

WILLIAM JAMES BROWN

PLAINTIFF

v.

Civil No. 06-5118

DEPUTY McCULLEY, DEPUTY HAMMOCK,  
CAPTAIN HUNTER PETRAY, and NURSE  
SUE McDONALD, all of the Benton County  
Detention Center

DEFENDANTS

**ORDER**

On January 2, 2007, defendants filed a motion to compel answers to discovery requests (Doc. 17). Defendants state they propounded interrogatories and requests for production of documents to the plaintiff on August 29, 2006. Defendants further contend that additional correspondence regarding plaintiff's past-due discovery responses was sent on December 14, 2006. However, to date, defendants state they have not received plaintiff's responses.

Under the Federal Rules of Civil Procedure, plaintiff had thirty (30) days to respond to the discovery requests. Fed. R. Civ. P. 33(b)(3) & 34(b). Plaintiff did not request an extension of time to respond to the discovery requests. Therefore, plaintiff has failed to respond in the time provided by law.

Accordingly, defendants' motion to compel is granted. Plaintiff is directed to provide defendants with the required responses to the discovery requests by **5:00 p.m. on January 16, 2007.**

Defendants have also filed a motion for extension of time for file their court ordered motion for summary judgment on January 2, 2007. (Doc. 19). In their motion for an extension of time, defendants indicate they need the discovery responses from the plaintiff in order to prepare their summary judgment motion.

The motion for an extension of time is granted. Defendants are given until **February 20, 2007**, to file their summary judgment motion. Once the summary judgment motion is filed, the court will prepare a questionnaire to assist the plaintiff in responding to the motion. For this reason, plaintiff is directed not to respond to the motion for summary judgment until so ordered by the court.

IT IS SO ORDERED this 3rd day of January 2007.

/s/ James R. Marschewski  
HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE